

New Hampshire Council on Resources and Development

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FINAL MINUTES COUNCIL ON RESOURCES AND DEVELOPMENT MARCH 6, 2008

MEMBERS PRESENT

Amy Ignatius, Chair, Director of the NH Office of Energy and Planning
Tim Drew, for Thomas Burack, Commissioner, NH Dept. of Environmental Services
William Carpenter, for George Bald, Commissioner of the NH Dept. of Resources and Economic Dev.
Elizabeth Muzzey, Director, NH Dept. of Cultural Resources, Div. of Historical Resources
William Ray, for Dean Christon, Executive Director, NH Housing Finance Authority
Richard Uncles, Director, NH Dept. of Agriculture, Markets and Food, Div. of Regulatory Services

OTHERS PRESENT

Johanna Lyons, NH Dept. of Resources and Economic Development
Barbara Ford, NH Dept. of Resources and Economic Development
Bruce Kimball, NH Army National Guard
Tracey Boisvert, NH Office of Energy and Planning
Jennifer Czysz, NH Office of Energy and Planning
Dari Sassan, NH Office of Energy and Planning

I. ROLL CALL AND INTRODUCTIONS

Chairman Ignatius called the meeting to order at 9:33 AM at the NH Dept. of Resources and Economic Development, 172 Pembroke Road, Concord, NH.

II. MINUTES

A. Approval of CORD Meeting Minutes of January 3, 2008.

ACTION: MOVED by Mr. Drew, seconded by Mr. Uncles, THAT the minutes of the Council meeting held on January 3, 2008 be approved. The motion passed unanimously by a vote of 6 – 0. Due to the lack of a quorum, a ballot vote will be issued.

III. LAND CONSERVATION ENDOWMENT GIFTS

Ms. Boisvert presented a proposed memorandum of agreement between CORD, NH Office of Energy and Planning (Conservation Land Stewardship Program) and NH Fish and Game

(NHFG). There would also be a similar MOA between CORD, OEP and the Department of Agriculture. She explained that both agencies are to receive gift funds for long-term stewardship and enforcement monitoring for certain parcels where they hold conservation easements. The MOAs would allow this (and future) money to be deposited into the land conservation endowment and utilized by the Conservation Land Stewardship (CLS) Program in accordance with RSA 162-C:8 for long-term stewardship of these easements.

Asked if such a memorandum was necessary, Ms. Boisvert replied that a recent Fish and Game audit called for such agreements. Chairman Ignatius added that the recent trend has been toward formalized agreements for funds transfers. Mr. Uncles asked if the drafting of this memorandum was an opportunity to formalize the various roles of the state agencies involved in all LCIP easements. Ms. Boisvert replied that while it might be appropriate, she recommended that it be addressed separately from this action.

Ms. Muzzey asked if the timeframe of the memorandum (five years) might be extended. Chairman Ignatius replied that OEP was advised that five years would be the maximum that Governor and Council allow for agreements. Ms. Muzzey asked if this was the final language of the memorandum of agreement. Ms. Boisvert replied that this memorandum of agreement was substantially complete and had been reviewed in its draft form by DOJ. The agreement with the Department of Agriculture would be similar to this one. Mr. Carpenter asked which specific monies and easements the memorandum would currently affect. Ms. Boisvert replied that The Conservation Fund is providing funds for stewardship of the Brooks easement (held by the Department of Agriculture) and for three easements called the White Farm (held by NHFG). The MOA will allow for future donations to be deposited into the endowment for other projects, if agreed to by all of the parties.

ACTION: MOVED by Mr. Carpenter seconded by Ms. Muzzey to APPROVE acceptance of these (and similar) gifts into the endowment, authorize the CLS program to utilize funds from the endowment to carry out stewardship monitoring responsibilities for the associated projects, and to authorize the CORD chair person to sign the associated Memorandum of Agreements with the state agencies on CORD's behalf. The motion passed unanimously by a vote of 6-0. Due to a lack of quorum, a ballot vote will be issued.

IV. DISPOSAL OF STATE OWNED LAND SURPLUS LAND REVIEW (SLR)

A. JAFFREY

SLR 08-001

Request to exchange the 119-acre Gay State Forest for 9.52 acres of land owned by SPNHF adjacent to Monadnock State Park.

The Department of Resources and Economic Development (DRED) has identified Gay State Forest in Jaffrey as a suitable property to exchange with the Society for the Protection of New Hampshire Forests (SPNHF) for 9.52 acres of land located along Poole Road in order to accomplish the Monadnock Master Plan goal of establishing a new gateway to Monadnock State Park. Gay State Forest is a difficult-to-manage, 119-acre tract with no permanent state access.

STAFF REPORT

30-day review period ends February 28, 2008

Administrative Services: No comment.

Agriculture, Markets, and Food: No comment.

Division of Historical Resources: No comment.

Education: No objection.

Emergency Services: No comment.

Energy and Planning: No comment.

Environmental Services: The simple exchange of land does not appear to have any environmental impacts. The only concern raised is that it appears that the SPNHF owned parcel might be further developed (already subdivided) which may result in impacts (wetlands, wastewater, storm water, *etc.*) that may need DES program review in the future. See letter on file.

Fish and Game: No comment.

Housing Finance Authority: No comment.

Health and Human Services: No objection.

Resources and Economic Development: No comment.

Safety: No comment.

Transportation: No comment.

Lakes Management Advisory Committee: Not applicable.

Rivers Management Advisory Committee: No objection with the understanding that Gay State Forest is permanently protected. See letter on file.

Public Waters Access Advisory Board: No comment.

State Conservation Committee: No objection.

Town of Jaffrey: No comment.

March 6, 2008 Discussion

Ms. Lyons indicated that DRED wishes to surplus Gay State Forest in exchange for a parcel of land owned by the Society for the Protection of New Hampshire's Forests (SPNHF) that would allow for a better entry, visitor contact area, and improved parking. Gay State Forest is difficult for DRED to manage because it lacks permanent access. For SPNHF, acquisition of the Gay State Forest tract falls in line with its forest protection goals, and it will protect the resource into the future as DRED has in the past.

Ms. Muzzey asked how Gay State Forest first came into State ownership. Ms. Lyons replied that the land was given as a gift carrying the stipulation that it must always be named Gay Memorial. SPNHF will honor this requirement.

ACTION: MOVED by Ms. Muzzey seconded by Mr. Drew to APPROVE SLR 08-001, as submitted. The motion passed unanimously by a vote of 6-0. Due to a lack of quorum, a ballot vote will be issued.

B. LACONIA

SLR 08-002

Request to lease approximately 48 acres of land at Opechee Bay State Forest to Belknap County Conservation District for 25 years with an option for an additional 25 years.

DRED has received a request from Belknap County Conservation District for a long-term use agreement at Opechee Bay State Forest in Laconia. They desire to make improvements to the land, access road, parking, and other garden related improvements. Most of the grants that could fund these projects require a long-term commitment on the part of the landowner.

STAFF REPORT

30-day review period ends March 20, 2008

Administrative Services: No comment.

Agriculture, Markets, and Food: No comment.

Division of Historical Resources: No comment.

Education: No objection.

Emergency Services: No comment.

Energy and Planning: No comment.

Environmental Services: DES suggests that continued use of these lands incorporate appropriate agricultural best management practices (BMPs) to prevent contaminated storm water runoff from the disturbed areas on the property into Opechee Bay, potentially degrading its surface water quality. If the improvements proposed trigger either a DES Alteration of Terrain Permit or a Standard Dredge and Fill Permit, the application process should be discussed with program staff before any work is initiated. Finally, any work to be carried out in the vicinity of onsite municipal sewer infrastructure should be conducted in a manner that protects the integrity of that system (e.g., contacting DigSafe, the DES Wastewater Engineering Bureau, Winnepesaukee River Basin Program, or the City of Laconia Public Works Department). See letter on file.

Fish and Game: No comment.

Housing Finance Authority: No comment.

Health and Human Services: No objection.

Resources and Economic Development: No comment.

Safety: No comment.

Transportation: No comment.

Lakes Management Advisory Committee: Recommends disposal with the understanding that the BCCD should contact the Fish and Game Department regarding mowing and management activities affecting wildlife. See letter on file.

Rivers Management Advisory Committee: Not applicable.

Public Waters Access Advisory Board: No comment.

State Conservation Committee: The SCC supports the lease but urges the NH Department of Resources and Economic Development to consult with the NH Fish and Game Department on the proposed management activities relative the wildlife habitat. See letter on file.

City of Laconia: No comment.

March 6, 2008 Discussion

Mr. Carpenter introduced the SLR, which covers the entire Opechee Bay State Forest, indicating that a long-term lease to the Belknap County Conservation District (BCCD) would enable BCCD to secure federal grants to assist in the management of the property. Mr. Uncles expressed concern about the lease term, indicating that conservation districts are funded inconsistently and may, therefore, have difficulty securing funding and providing management throughout the relatively lengthy timeframe. Mr. Carpenter replied that Jan Hooper, the former director of BCCD had indicated a need for a minimum 10-year lease.

Ms. Muzzey and Mr. Uncles indicated that their respective agencies might like to propose some changes and agreed to speak with Mr. Carpenter at some point following the meeting. Mr. Drew indicated that DES comments (above) were precautionary in nature and spoke to no specific concern. Mr. Ray asked if this SLR might relate to HB710. Ms. Czysz replied that HB710 involves state land that is being removed from public use; in this instance, that is not occurring.

Chairman Ignatius asked whether additional paving might take place on the lot. Mr. Carpenter responded that improvement might take place on the existing road to eliminate deficiencies. Chairman Ignatius followed by asking if anything might keep BCCD from building a large parking lot. Ms. Czysz cited the proposed lease between DRED and BCCD (included in SLR application), which specifies that “(d)etailed plans of all proposed improvements and alterations shall be submitted to the [State] along with any necessary permits, for review and written approval prior to implementation.” Mr. Carpenter added that requirements currently exist regarding preservation of open space and public enjoyment within state parks.

Chairman Ignatius recognized that details had been identified that may need further discussion. She asked Mr. Carpenter if revisiting the SLR at the next CORD meeting to provide time to address said details would interfere with any existing timing constraints. Mr. Carpenter replied that no such time constraints exist.

ACTION: MOVED by Mr. Uncles seconded by Mr. Drew to TABLE SLR 08-002 to allow for further review. The motion passed unanimously by a vote of 6-0. Due to a lack of quorum, a ballot vote will be issued.

C. PIERMONT

SLR 08-003

Request to exchange for land of equal value with the USFS in town of Franconia.

DRED is working with the US Forest Service (USFS) on a land trade involving Sentinel Mountain State Forest in Piermont and a parcel of the White Mountain National Forest

in Franconia. DRED would like to acquire a portion of USFS land at the summit of the Mittersill Ski Area to enhance Cannon Mountain Ski Area. To facilitate the acquisition, DRED is proposing a trade of land of equal value, offering Sentinel Mountain State Forest, containing a portion of the Appalachian Trail, to USFS. The amount of Sentinel Mountain State Forest will be determined after ongoing property appraisals.

STAFF REPORT

30-day review period ends March 28, 2008

Administrative Services: No comment.

Agriculture, Markets, and Food: No comment.

Division of Historical Resources: No comment.

Education: No comment.

Emergency Services: No comment.

Energy and Planning: No comment.

Environmental Services: No comment.

Fish and Game: No comment.

Housing Finance Authority: No objection.

Health and Human Services: No objection.

Resources and Economic Development: No comment.

Safety: No comment.

Transportation: No comment.

Lakes Management Advisory Committee: Not applicable.

Rivers Management Advisory Committee: Not applicable.

Public Waters Access Advisory Board: No comment.

State Conservation Committee: No comment.

Town of Piermont: No comment.

March 6, 2008 Discussion

Mr. Carpenter indicated that to complete an acquisition of desired USFS land adjacent to the Cannon Mountain Ski Area (at the summit of the old Mittersill Ski Area), he would need CORD approval to surplus the entirety or a portion of Sentinel Mountain State Forest, to be determined after property appraisals.

Ms. Lyons explained that the development vision in the 1999 Cannon Mountain Master Plan is in conflict with Bicknell's Thrush habitat protection. As a means of satisfying the dual goals of enhancing Cannon Mountain and protecting the Bicknell's Thrush, development shall occur so as to cause no net habitat loss.

Chairman Ignatius raised a concern of whether CORD should take action on this SLR in which the actual parcel to be surplus had not yet been delineated because land appraisals have not yet been completed and the land to be exchanged or surplus is to be an equal value trade. Mr. Uncles expressed a desire to move the SLR forward.

ACTION: MOVED by Mr. Ray seconded by Mr. Uncles to APPROVE SLR 08-003, granting land at Sentinel Mountain State Forest in Piermont to the USFS, whereas the Sentinel Mountain State Forest land to be granted is of a comparable market value to the 100 acres of WMNF land the State is to gain in the exchange. This motion is subject to no adverse comments being received during the remainder of the 30-day comment period. The motion passed unanimously by a vote of 6-0. Due to a lack of quorum, a ballot vote will be issued.

D. NASHUA

SLR 08-004

Request to grant a Deed of Easement of 14,853 SF of land to Pennichuck Water Works on the east side of Daniel Webster Highway.

The Adjutant General's Department requests to grant a Deed of Easement for an existing water main constructed in 1997 and for future construction of a Water Booster Station on the southerly side of the NH Army National Guard Armory Property. A condition will be placed in the sale that if evidence for an archeological site is found during subsurface disturbance of the parcel, work should be halted and the State Archaeologist at the Division of Historical Resources (NHDHR) should be contacted for site inspection and investigation.

STAFF REPORT

30-day review period ends March 28, 2008

Administrative Services: No comment.

Agriculture, Markets, and Food: No comment.

Division of Historical Resources: No comment.

Education: No comment.

Emergency Services: No comment.

Energy and Planning: No comment.

Environmental Services: No objection.

Fish and Game: No comment.

Housing Finance Authority: No objection.

Health and Human Services: No objection.

Resources and Economic Development: No comment.

Safety: No comment.

Transportation: No comment.

Lakes Management Advisory Committee: Not applicable.

Rivers Management Advisory Committee: Not applicable.

Public Waters Access Advisory Board: No comment.

State Conservation Committee: No comment.

City of Nashua: No comment.

March 6, 2008 Discussion

Mr. Kimball indicated that the proposed easement would not impact NH National Guard operations. When asked if DOT had been involved in the proposal, Mr. Kimball responded that DOT had denied a request for a driveway permit from Pennichuck for access to this parcel and located close to a major intersection.

Ms. Muzzey indicated that she would like to seek feedback from an archeologist. Mr. Kimball cited a condition would be placed on the sale that “if evidence for an archeological site is found during subsurface disturbance of the parcel, work should be halted and the State Archeologist at the Division of Historical resources (NHDHR) should be contacted for site inspection and investigation.” Ms. Muzzey affirmed that she would seek counsel from an archeologist so that potential disturbances to archeological resources might be identified before they occur. Ms. Czysz indicated that any findings may be introduced as part of the 30 day review which expires on March 28.

ACTION: MOVED by Mr. Carpenter seconded by Mr. Drew to APPROVE SLR 08-004, as submitted, subject to no adverse comments being received during the remainder of the 30-day comment period. The motion passed unanimously by a vote of 6-0. Due to a lack of quorum, a ballot vote will be issued.

IV. OLD BUSINESS

A. HB 710 Study Commission.

Chairman Ignatius stated that Ms. Czysz is the CORD designee for the Commission to Study Issues Relative to the Practice of Leasing State-Owned Real Estate on the Shores of Public Waters. Ms. Czysz reported that since the last CORD meeting, the commission has met once. The data subcommittee’s report found that of 409 state-owned, shorefront miles, 342 are considered “unavailable,” 63 miles potential surplus, and 3 miles are existing leased land. DOT and DES hold the majority of surplussable lands. Most of the DOT owned miles are railroads located along rivers. Ms. Czysz noted that artificial impoundments, lakes raised by damming, natural lakes and ponds, tidal waters, and larger streams are included and that marshes and smaller, non-navigable streams are not included. Ms. Czysz indicated that the commission has generated a 28-page report, which is available in PDF format upon request.

Ms. Czysz presented a RMAC and LMAC generated document, recommending a strategy to accomplish the HB 710 Commission tasks. The document proposes a subcommittee structure including tasks and timelines for each subcommittee.

ACTION: MOVED by Mr. Drew seconded by Mr. Carpenter to SUPPORT the recommendations of RMAC and LMAC to the HB 710 Commission, as submitted. The

motion passed unanimously by a vote of 6-0. Due to a lack of quorum, a ballot vote will be issued.

B. Legislative Update.

Ms. Czysz reported that due to a clerical error, HB 1349 committee action was recorded as “ought to pass with amendment.” In fact, after a House committee hearing on an amendment proposed by Representative Judith Spang to restore CORD’s authority, the amendment was not recommended. Actual committee action was to recommend ought to pass as introduced. Representative Spang requested the bill be removed from the House’s March 5, 2008 consent calendar to correct the error. The bill has been placed on the House’s March 12, 2008 regular calendar.

C. Enabling Source Water Protection.

Ms. Czysz reported on the kickoff meeting was held on March 3 held between the national advisory team and invitees from within the state. The national team will review programs, regulations, policies and plans to identify opportunities not only to align the activities of stage agencies, but also to improve interactions with regional and local entities. After their preliminary research and interviews, the national team will create an opportunity map and present it in June for feedback, which they will follow up with an action plan. Chairman Ignatius expressed her desire that the report be welcomed and used to generate positive discussion and change.

V. CORD 2008 PROPOSED MEETING SCHEDULE

May 1, 2008
July 10, 2008 (changed date)
September 4, 2008
November 6, 2008

All meetings will be held at the Office of Energy and Planning, 4 Chenell Drive, 2nd Floor, Concord, NH, unless otherwise noted. Meetings begin at 9:30 AM.

Please note OEP’s new address.

VI. ADJOURNMENT

The meeting adjourned at 11:42 AM.

Respectfully Submitted,

Amy Ignatius
Chair

AI/das